REMARKS/ARGUMENTS

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

Independent claim 13 has been amended by incorporating claim 15, the latter being canceled. Independent claim 19 has been amended by incorporating claim 20 and 23. Claims 15, 17, 18, 20, 22 and 23 have been canceled. This amendment is a consolidation of previously submitted claims and therefore the Examiner is requested to enter the Amendment.

Claims 13 and 15-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wieske (EP 0 253 429) in view of Hollo. Applicants traverse this rejection.

Wieske reports the use of soybean lecithin in margarines and edible spreads. Soybean lecithin is shown to have anti-spattering effect. There is no disclosure of lecithin sources other than from soybean oil. By contrast, the present invention is focused upon sunflower lecithin.

Applicants have demonstrated under Table 2 that secondary spattering (SV2) arising in shallow frying can be better controlled with sunflower rather than soybean lecithin. Hollo was introduced for teaching hydrolyzed sunflower lecithin. While this is true, Hollo specifically states that "comparison of the available data shows no significant difference between soybean and sunflower lecithins". See page 97, left column, third paragraph.

Hollo in the Abstract section discloses that sunflower lecithin is an additive feedstuff for piglets and porklings. In the penultimate paragraph of the Article, Hollo discloses sunflower lecithin could also be utilized as a food additive. The reference states that "for its emulsifying properties and viscosity-reducing effect, it is currently used in chocolate production (0.5%)." Nothing is mentioned with respect to use in the frying of foods, especially for shallow frying.

A combination for Wieske in view of Hollo would not render the instant invention obvious. Wieske fails to disclose sunflower lecithin although notes that soybean lecithin is quite useful as an anti-spattering agent. Hollo focuses upon sunflower lecithin, finding particular use in animal feeds but also describing use in foods such as chocolate production. No mention is given by Hollo to any frying utility, especially shallow frying. Applicants have demonstrated in Table 2 and 3 that hydrolyzed sunflower lecithin has some advantage over the soybean variety in minimizing secondary spattering (SV2). There would have been no expectation by the skilled technician that soybean lecithin could be replaced with sunflower lecithin in foods subjected to shallow frying. Applicants have shown not only equivalent performance but improved performance, especially where the sunflower lecithin is hydrolyzed to a degree ranging from 0.2 to 0.4. Based on these considerations, a combination of the art would not render the instant invention obvious.

The undersigned attorney invites the Examiner to phone in the event such may be desirable in reaching mutual agreement on the claims.

Respectfully submitted,

Milton L. Honig
Registration No. 28,617
Attorney for Applicant(s)

MLH/sm
(201) 894-2403